

# **AGUA SPECIAL UTILITY DISTRICT**

Regular Meeting of the Board of Directors  
Agua SUD Administration Building  
3120 North Abram Road  
Palmview, Texas

6:00 p.m., June 3, 2021

## **MINUTES OF REGULAR “VIRTUAL” MEETING**

1. The meeting was called to order by Mr. Homero Tijerina at 6:03 p.m., June 6, 2021, at which time Mr. Tijerina acknowledged the presence of the following Elected Members of the Board of the Agua SUD:

**Directors Present:**

Mr. Homero Tijerina  
Mr. Ivan Sandoval  
Ms. Maribel Diaz  
Mrs. Esmeralda H. Solis

**Directors Absent:**

Mr. Lloyd Loya  
Mr. Cesar Rodríguez, Jr.  
Mr. Adolfo Arriaga

A quorum of the members of the Agua SUD being present, the meeting was duly convened.

Public Comment: None received.

2. The Board of Directors received a presentation by Mr. Forrest Forrester with Aypa Power on lease of District owned property.
3. The Board of Directors received presentation by Mr. Jeff Snowden, Capex Consulting Group on Agua SUD Water Rights, Rates and Planning. Mr. Snowden noted that the District had requested an assessment on the series of the rate increases and the flexibility the district may have on implementing the last two rates. However, Mr. Snowden’s recommendation was to stay the course and with the five-year series and pass along the last two rate increases to the customers. The increase for residential next year would roughly be \$1.60 for combined water and sewer customers and for just water customers the increase would be at \$.81 cents.
4. The Board of Directors approved a Non-Standard Service Agreement for water service to be submitted to GarVic Properties, L.P., for the cost related to water service for El Pinto Estates

Phase III Subdivision. The motion was made by Mr. Ivan Sandoval and seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.

5. The Board of Directors approved a Non-Standard Service Agreement for water service to be submitted to Evert Enterprises Inc., for the cost related to water service for Western Oaks Phase II Subdivision. The motion was made by Mr. Ivan Sandoval and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
6. The Board of Directors authorized General Manager to advertise bid for construction of Mile 2 Waterline Replacement Mission Interconnect. The motion was made by Mr. Ivan Sandoval and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
7. The Board of Directors approved Reimbursement Agreement for Western Oak Subdivision subject to agreement meeting Agua SUD rules and legal review of proposal. The motion was made by Ms. Maribel Diaz and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.
8. The Board of Directors held a brief discussion with Jimmy Closner & Sons regarding the Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3).
9. The Board of Directors tabled the potential interlocal agreement with the City of Mission related to emergency water connection. The motion was made by Mrs. Esmeralda H. Solis and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.
10. The Board of Directors received status by M2 Engineering on Capital Improvement Plan. Questions were asked by District Attorney and a brief discussion was held regarding the Capital Improvement Plan.
11. The Board of Directors received a report from the General Manager on operations and finance including:
  - a. April Financials
  - b. TWDB Palmview Sanitary Sewer Improvements
  - c. NAD Bank Technical Assistance Agreement (Sewer Hook-ups)
  - d. Food Bank Event
  - e. Easement litigation regarding Veteran's Road in Hidalgo County.
12. The Board of Directors recessed into an Executive (closed) meeting at 7:11 p.m. under Texas Gov. Code Section 551.071 Consultation with Attorney, 551.072 Regarding Real Property, 551.073 Prospective Gift, 551.074 Personnel Matters and 551.076 Security. The motion was made by Mr. Ivan Sandoval and seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.

ITEM 12. a. TWDB Palmview Sanitary Sewer Improvements Project

ITEM 12. b. Discussion regarding Cause No. C-3353-20-I; S&B Infrastructure vs. Agua Special Utility District; In the District Court of Hidalgo County, Texas, 398<sup>th</sup> Judicial District.

- ITEM 12. c. Discussion regarding Cause No. C-3856-20-D; Marvin Lee Terveen vs. Agua Special Utility District, Mor-Wil, LLC, S&B Infrastructure, LTD; In the District Court of Hidalgo County, Texas, 206<sup>th</sup> Judicial District
- ITEM 12. d. Presentation by Jimmy Closner & Sons regarding the Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3)
- ITEM 12. e. Salida del sol tank certification
- ITEM 12. f. Performance Services, Inc. smart meter program guarantee
- ITEM 12. g. Recurrent Energy lease proposal
- ITEM 12. h. Energy provider contract status and review
- ITEM 12. i. Easement litigation regarding Veteran's road in Hidalgo County

At 8:39 p.m., The Board moved to reconvene in open session and no action was taken in executive session. The motion was made by Mr. Ivan Sandoval and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.

13. The Board of Directors took no action in open session regarding item(s) discussed in executive session for the following:


- ITEM 12.a. The Board of Directors took no action on TWDB Palmview Sanitary Sewer Improvements Project.
- ITEM 12.b. The Board of Directors took no action on Cause No. C-3353-20-I; S&B Infrastructure vs. Agua Special Utility District; In the District Court of Hidalgo County, Texas, 398<sup>th</sup> Judicial District.
- ITEM 12.c. The Board of Directors took no action on Cause No. C-3856-20-D; Marvin Lee Terveen vs. Agua Special Utility District, Mor-Wil, LLC, S&B Infrastructure, LTD; In the District Court of Hidalgo County, Texas, 206<sup>th</sup> Judicial District.
- ITEM 12. d. The Board of Directors took no action on Jimmy Closner & Sons regarding the Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3)
- ITEM 12.e. The Board of Directors took no action on Salida del sol tank certification.
- ITEM 12.f. The Board of Directors took no action on regarding Performance Services, Inc. smart meter program guarantee.
- ITEM 12.g. The Board of Directors took no action on Recurrent Energy lease proposal.
- ITEM 12. h. The Board of Directors took no action on energy provider contract status and review.
- ITEM 12.i. The Board of Directors took no action on easement litigation regarding Veteran's road in Hidalgo County.

At 8:40 p.m., Mr. Ivan Sandoval moved for adjournment. Motion was seconded by Mrs. Esmeralda H. Solis and was unanimously approved by the Board.

Approved, the 4 of October, 2021

  
Homero Tijerina, President, Agua SUD

Attested by:

  
Maribel Diaz, Secretary, Agua SUD